

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JESSICA HODGES, et al.

Plaintiffs,

vs.

CHATHAM COUNTY, GEORGIA, et al.

Defendants.

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Case Number: 4:22-cv-00067-WTM-CLR

EXHIBIT 8

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DECLARATION OF DAVID J. UTTER

I, David Utter, swear under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am over the age of eighteen and competent to make this Declaration. I have personal knowledge of the matters set forth below. I provide this pursuant to LR 26.5 and in accordance with Rules 26, 33, 34, 36, and 37 of the Federal Rules of Civil Procedure to certify that a good faith effort has been made to resolve the dispute before coming to court.

2. Along with Will Claiborne and Chris Murell, I am counsel of record for Plaintiffs in this case.

3. On May 3, 2022, I served Plaintiff's First Set of Requests for Production of Documents ("document requests") to counsel for Defendants Chatham County, Georgia, Alfred Nevels, Don White, and Karlos Manning ("County").¹

4. On June 2, 2022, the County submitted their responses. On October 18, 2022, on behalf of the Plaintiffs, I narrowed one of the document requests. In addition, I submitted a

¹ On November 29, 2022, pursuant to stipulation agreed to by all parties, this Court dismissed without prejudice Alfred Nevels, who was originally a named defendant. *R. Doc. 64*.

number of email requests for a 30(b)(6) deposition to the County. Finally, Plaintiffs served Dr. Kenneth Ray with a FRCP R. 45 subpoena to be deposed late last year.

5. On December 7, 2022, the parties met and conferred, and the parties were unable to reach agreement on the County's responses, portions of the Plaintiffs' request for a 30(b)(6) deposition, and whether Plaintiffs should be permitted to depose Dr. Kenneth Ray. Despite a healthy good faith dialogue, we were unable to resolve our disagreement.

Pursuant to 28 U.S.C.A. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed on this 12th day of January, 2023.



DAVID J. UTTER